



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

ANNUAL BANQUET

Shoreham Hotel, Saturday evening, April 30, 1921

TOASTMASTER

THE HONORABLE ELIHU ROOT
President of the Society

SPEAKERS

DR. NICHOLAS MURRAY BUTLER
President of Columbia University in the City of New York

THE HONORABLE CHARLES EVANS HUGHES
Secretary of State of the United States

MEMBERS AND GUESTS

Mr. H. H. Adams	Mr. Wade H. Ellis
Prof. F. W. Aymar	Mr. Ray Farrell
Mr. and Mrs. Wm. H. Baldwin	Mr. and Mrs. George A. Finch
Hon. Simeon E. Baldwin	Mr. Bertram L. Fletcher
Hon. James M. Beck	Mr. R. W. Flournoy
Mr. Henry C. Black	Miss E. M. Gillett
Mr. Robert W. Bliss	Mr. Wm. D. Goddard
Mr. Ira H. Brainerd	Mr. C. N. Gregory
Mr. Wm. W. Bride	Mr. Edward A. Harriman
Mr. Braddle	Mr. John L. Harvey
Judge and Mrs. Thomas Burke	Mr. Richard S. Harvey
Mr. E. B. Burling	Mr. Charles H. Hastings
Mr. C. H. Butler	Mr. Harry B. Hawes
Mr. Arthur D. Call	Commander Robert Henderson
Mr. Charles H. Carey	Mr. and Mrs. P. S. Henry
Mr. Wilbur J. Carr	Mr. Ira G. Hersey
Mr. W. R. Castle	Hon. David Jayne Hill
Capt. W. C. Cole	Prof. M. O. Hudson
Mr. and Mrs. Henry G. Crocker	Mr. W. J. Hughes
Miss Frances Davenport	Mr. Benjamin F. James
Mr. Charles Ray Dean	Mr. Nelson T. Johnson
Mr. W. C. Dennis	Mr. Stuart Johnson
Mr. and Mrs. John Foster Dulles	Miss R. G. Jones
Mr. Edward C. Eliot	Mr. George A. King

Prof. George W. Kirchwey	Mr. Walter S. Penfield
Mr. Arthur K. Kuhn	Mr. Edgar B. Piper
Mr. Rufus H. Lane	Mr. Miguel Prado
Hon. and Mrs. Robert Lansing	Mr. Chester D. Pugsley
Prof. John H. Latané	Mr. Edwin S. Puller
Mr. and Mrs. Howard S. LeRoy	Mr. and Mrs. Albert H. Putney
Hon. Manoel de Oliveira Lima	Mr. Jackson H. Ralston
Mr. Chester I. Long	Mr. Henry M. Robinson
Miss M. Pearl McCall	Admiral W. L. Rodgers
Mr. Charles McCamic	Mr. James Louis Rosenberg
Mr. Frederic D. McKenney	Justice B. Russell
Major F. R. McCreery	Miss Luisa Sanchez
Mr. O. H. McPherson	Dr. and Mrs. James Brown Scott
Mr. and Mrs. Henry B. F. Macfarland	Judge Kathryn Sellers
Gen. C. T. Menoher	Hon. James L. Slayden
Mr. Oscar Millmore	Mr. E. E. Slosson
Mr. Marshall Morgan	Major Gen. G. O. Squier
Mr. George M. Morris	Admiral C. H. Stockton
Mr. Edmund C. Mower	Hon. and Mrs. Oscar S. Straus
Mr. Charles Nagel	Miss Hope K. Thompson
Mr. Charles W. Needham	Col. R. W. Thompson
Mr. Edwin L. Neville	Prof. Eugene Wambaugh
Mr. S. Nicholson	Mr. Charles Warren
Mr. Fred K. Nielsen	Mr. George T. Weitzel
Admiral James H. Oliver	Prof. George G. Wilson
Major R. P. Parrott	Col. Jennings C. Wise
Col. and Mrs. Patterson	Rev. Charles Wood
Mr. Jefferson Patterson	Mr. Lester H. Woolsey
	Mr. Herbert F. Wright

President Root. Ladies and gentlemen, will you be good enough to fill your glasses with the best you can get while we drink to the health of the President of the United States?

THE PRESIDENT!

It has been a rule of these dinners that they should not be prolonged beyond the limit to which an ordinary, private dinner would run. The American Society of International Law felt that there was no better place for it to begin in reforming the world than by abjuring those dreadful functions in which a lot of tired people are obliged to sit hour after hour listening to people who are making the greatest efforts of their lives, and, accordingly, we restrain ourselves and by example we restrain our guests to a period ending from ten o'clock to half past ten; and you will then be going home to your wives and husbands and children.

I was told the other day by a friend of a visit he made to a great public institution in which there was provision for the insane. He was taken to a room in which there were twenty-odd women in rocking chairs, all rocking as hard and as fast as they could—rock, rock, rock—saying nothing, doing nothing but rocking. He said: "What does this mean?"

"Well," the director said to him, "these women are all violent lunatics and this rocking enables them to work off steam and it satisfies their strong impulse to do something violent. If they were not able to do this they would be doing the most outrageous things."

Now, in the disturbed condition of international affairs, with the one hundred persons in this room, each one of whom knows perfectly well what ought to be done and what can be done for the reconstruction and regeneration of the world, a very useful thing it is to get together here and rock for a while, to restrain our dispositions towards great and violent deeds by genial good fellowship, by that magnetic influence which comes from association with others and the realization that other people have ideas too, and that perhaps we do not all have the same ideas, and that it is useful to compare, and that, after all, one of the most beneficial things for the world may be to set the example of consideration for other peoples' ideas.

Some years ago in Russia I was taken to see a very great anarchist, Prince Kropotkin, a close friend of Tolstoi's, and after Tolstoi's death the leader of all the guilds and sects of anarchists of Russia. I had a delightful afternoon with him. He was one of the most genial and philosophical fellows I ever knew.

When we were coming away the gentleman who had made the arrangements and who had taken me there, a man who bore a great name in Russia, said to me, "You are going to have a revolution in America."

I said, "Is that so? Why?" "People there make their own laws and they select the people to execute them. I don't see why they should revolt."

"Oh," he said, "you are going to have a revolution. You cannot have real freedom in America until you have destroyed two things."

I said, "That is very interesting. Pray, tell me what they are."

He said, "One is capital and the other is public opinion."

I have thought a great deal about that. He was a man of intelligence. He was not one of the class of men anxious to pull everything to pieces with a view to picking up the pieces for himself. He was a man of position and standing.

It seemed to me that what was really in the back of his head was that the public opinion of the community constrained by its force individual conduct and that that constraint was tyranny; that to be truly free every member of civil society should be at liberty to do just what he chose to do without any reference to the unwritten laws of society.

I am inclined to think that, without its being stated so boldly, the world

at large is pursuing that idea. One of the results of the war is an intolerance of the restraint of those rules which have grown up through the centuries for the conduct of civil society in the state, in the conduct of nations, and in the conduct of individuals. I am inclined to think that under the disruptive force of war the cement which binds the members of civil society together has been running out, that cement which consists of tradition, respect for that past upon which we found our efforts for a more glorious future, respect for the laws which embody and express the common judgment of the millions of sane and honest people who have lived through the generations and centuries, the laws which were the growth from their lives and their sense of need for order. All over the world, I believe it to be true that the great need of civilization now is a renaissance of respect for law. And when that comes you will find a decrease in the hold-ups and the exploits of Dick Turpin on our highways, and the multitude of crimes which we call a crime wave.

To one field of human thought and human struggle for effective organization this Society is devoted, and effective influence or action in that direction cannot come from individual effort alone. It must be by associated effort, and associated effort requires a consideration of others, respect for the opinions of others, a conception of liberty which is not liberty for one's self alone but a willingness to accord the same liberty to others, a conception of justice which means not getting an allowance of one's own claims but a willingness to do justice to others, and the attrition of intercourse and good fellowship and kindly feeling and personal recognition, all of which are being promoted by a thousand gatherings of various kinds all over the country. All are playing their part towards the accomplishment of the great end of the restoration of law in the world, which, when it comes, will be indeed the real, not the ephemeral or phantasmal end of war.

Priscilla said to John Alden "Why don't you speak for yourself, John?" and I feel bound to apply the rule in regard to these dinners I announced a little while ago and say "Why don't I stop speaking myself?" and, accordingly, I have the very great pleasure and honor of introducing to you as the first speaker the one whom I should select, if I were called upon to designate the man who of all the men in America, not merely by reading but by personal association, intelligent observation, and human contact was the best informed regarding the public life of Europe, Mr. Nicholas Murray Butler.

DR. NICHOLAS MURRAY BUTLER. Mr. Chairman, Mr. Secretary, ladies and gentlemen: The very admirable remarks of the President have offered so many texts that if I were to indulge myself in a brief reflection upon each one of them this rigid rule to which he refers would be a wreck before morning. But I observe upon looking at my watch that you have no reason for alarm, because I live on daylight-saving time and have already

gone home! I think it is fortunate for you that the Secretary of State is living on standard time.

My function for a number of years in New York and Washington and elsewhere when invited to appear at gatherings or banquets of lawyers and students and practitioners of law, has been to serve as a lay figure to represent the very humble and very inconspicuous but very important client. Those whom I represent make the profession of law possible, and, therefore, we may, I think, have some claim upon your attention, however brief.

I have a notion, that the President, although I did not see him in the gallery of the Senate this afternoon, must have been at the Capitol, because he gave a most vivid description of what happened there when he spoke of a company of tired men listening to a few of their number making the efforts of their lives. Perhaps, I ought not to be too critical of those efforts, although they were lengthy, some of them, but I may say that I contributed a little to abbreviating the performance. A lady sitting next to me was very much disturbed because a critical remark made by a Senator on one side was not answered to her satisfaction by a Senator from the other side, and she said to me rather audibly "Why don't they answer that? Why doesn't somebody reply?" and I said, "Madam, please don't suggest it or I am sure they will."

What the President has been saying just now about respect for law was the topic uppermost in my own mind when I began to think what would be appropriate to say in your presence tonight, and I should like, if you will permit me, to approach that subject from a little different angle.

It is obvious that there is a decline in the respect for law, not only in our own but in other lands. This is pretty widespread and it reaches very responsible orders and classes of society. I am disposed to think, however, that it is not entirely due to a moral or ethical cause, to be found operating wholly among individuals who are manifesting somewhat less respect for law than was once traditional among our modern peoples. It is rather, I think, a phase of the very remarkable and far-reaching change that is coming over the world, which is bound to have very great consequences both for national organization, national development and national government, and for International relations and the building of organizations for the carrying on of international relations and the determination of international differences in the next generation and in the generations to come.

For centuries past the chief intellectual interest of men, so far as it has related to their relations with one another, has been as to matters of politics in the largest sense of the word. Men have been concerned with liberty with government, with law, with the building of organizations and institutions for the definition and protection of these, and trying to extend, under those formulas, what we are pleased to call modern civilization. But for thirty or forty years past there has been evidence, rapidly increasing of late, of a shifting of the center of gravity and the development of an increasing,

shall I say skepticism? as to the significance of political relationships and political institutions, as to their stability and as to their capacity for usefulness. One scheme after another has been proposed, first by way of amendment to political organizations as we know them, and now much more openly by way of substitutes for them. If you look for a name to give to that field into which the center of gravity of human interest has shifted, you will have to use the word economics.

Man's interest everywhere has moved over from debate and discussion of questions which are purely or largely political in the old sense of the word, to questions that are purely or largely economic, and that are intertwined with political questions, by reason of the historical conditions under which these problems, these economic problems and conditions, have grown up.

One effect of that has been the enormous multiplication of statutes all over the world, but particularly in this blessed land of ours, because men have found that these economic questions could best be protected, at least for the time being, by using the power and the strength of the political forces. They have gone to legislatures and to Congress and have multiplied statutes until their number is without end. The very distinguished statesman who recently sat in the Senate of the United States, for the State of Colorado, and who left that body on the 4th of March last, Senator Thomas, made a speech in the Senate towards the close of the last session of the last Congress in which, if I recall his figures aright, he stated that within a short term of years, which he named—I cannot recall the term from memory but it was a short term—seventy thousand statutes had been enacted in the United States by the several legislatures and by the Congress of the United States. It seems perfectly obvious that when the law-making power is carried to so complex, so multiplied and so minute an extent as that, it is bound to express itself in a hundred ways in the fields of economics to the disadvantage or dislike of a large class of the community, who thereupon begin to disregard it. By reason of our having carried statutes and statute-making to such an extent, we are really giving occasion and invitation to a disregard or disrespect for law or lowering the respect for law as such, although we say that the law is law, the law must be enforced. All properly enacted law rests upon the same foundation, but the fact of the matter is that the average man also looks to the content of a law as well as to its form, and he says: "This appeals to my sense of justice. This appeals to my national pride. This appeals to my law-abiding sense. This I will myself gladly obey and aid in securing the obedience of others. But this I regard as fussy; I regard this as unjust, and this, unless detected I will either flaunt or at least neglect."

The fact of the matter is that in trying to solve these many hundreds of economic questions, small questions, most of them, we have brought about a situation which nobody contemplated and which nobody planned, which actually invites disrespect for law. In other words, the law, so far as it is

statute law, has had a tendency to overstep proper limits of its useful application.

We are finding out that no matter what our traditional definitions may be, what our text-book explanations may be, it does not follow that a law is a law because it is a statute. It does not even follow that a constitutional provision is a law. Professor Duguit, the distinguished French scholar who has been in our country this winter, has been delivering most illuminating lectures upon this point, and has been calling the attention of students and teachers and lawyers and members of the bar to the relation that exists between effective law and the public opinion which underlies it.

Now, Mr. Chairman, the only point which I wish to make, the application which suggests itself to me of this particular aspect of our great problem, is that as we go forward in the field of international relations, we are certainly going to be confronted by this same dilemma. The dilemma is so obvious, is of such every-day occurrence in the daily life of the municipality, of the state or of the nation, that it is going to reproduce itself in one form or another as we begin to build the new international structure of tomorrow based upon the extension of the rule of law, based upon the judicial determination of international differences so far as they are justiciable.

The task is a two-fold one. The task is first, if you please, that upon which this association, its friends, its correspondents, its colleagues in other lands are all engaged, the task of formulating and drawing the plans for the building of the new international judicial institutions. And then there is the other enormously important aspect of the matter, which is the preparation of public opinion, the education of public opinion for the understanding, for the support, and for the carrying forward of that scheme.

Few things could be more unfortunate and few things more fraught with disaster in the next hundred years than to build, and endeavor to use, a structure which the public opinion of the world would not support. We can only move so fast in our ideals, or rather in the application of our ideals, as we can prepare the supporting force of public opinion to sustain. That is a hard lesson to learn. It sometimes seems cruel that we should not be able to move ahead more rapidly in the great affairs and great undertakings of men, but it is human nature that stands in the way if, in the attempt to construct a series of international institutions, however excellent in ground plan or in theory, we proceed so fast and so far that the foundation is lacking, the great foundation of instructed and convinced public opinion. Then we shall come to grief and we shall array public opinion for a generation in antagonism, not in support, of the very thing which we wish to bring about.

These economic questions, these economic problems, to which I have referred, are just as insistent in the field of international relations,—more so perhaps,—than they are in the field of our national organization.

What are the matters that are at this very moment attracting the attention of the nations of the world as they are trying to cooperate more closely

and to build their new institutions so as to avoid future international war? What are they? Are they not almost without exception economic? Are we not confronted by the primary problem of the development of the great economic resources of the world, those things by means of which men live, by means of which men trade, by means of which men manufacture and build great systems of transportation on land, on sea or in the air? What are the problems that confronted the peace conference in Paris? What were their difficulties and embarrassments as they tried to give effect to the spirit of nationality seeking to express itself in new communities or in the reconstruction or reconstitution of old communities in Central, in Eastern and in Southern Europe?

Everywhere and always it was the question of economic existence of a modern state. Jugo-Slavia gets a port on the Adriatic. Czecho-Slovakia gets the right of transportation to ports on the Baltic. Poland goes to a Baltic port. What about Austria? What about Hungary? What about a population in any state confined within a territory strictly delimited without much regard to the economic resources of the community, unable to feed itself in one case, unable in another case to warm itself, and unable in the third case to build its shelter, without international relations, without international trade, without free access to economic resources that are placed under another sovereignty?

These, ladies and gentlemen, are the problems of tomorrow. Here is to be found the content of that to which our new international organization and our new international judicial systems, when they come, will give form; but the content is going to be economic.

Let us have care that in going into this enormously important field, the field of tomorrow, that we take into it for our guidance and our warning the experience and the knowledge we have gained from studying the history of the development of modern nations. Take the historical geography of Europe or the historical geography of North America, and satisfy yourself in a few moment's reading as to what has been the lure, the urge, that has moved the boundary from this imaginary line to this river, to this mountain chain, to this ocean, and find out where are the minerals, where are the ports, where are the fertile fields, where are the rivers for transportation. Those arteries and nerves are the veins of a nation's life, and we are going to have precisely that problem presented to us in the next generation in building a system of international organization about a respect for law, about an extension of the rule of law, about cooperation with other like-minded peoples to bring into effect this great, splendid American dream, this American ideal and this American policy that has been our glory almost from the foundation of our Republic.

The analogy is close. The opportunity to learn from the one and to apply it to the other is abundant. Statesmen of tomorrow must understand how the center of gravity has shifted from politics to economics, how

it has been attempted to use the political form to deal with the economic content, and what are the lessons of America, of France, of Italy, of Germany, of England, of Japan and the rest, for the project upon which we are so earnestly anxious to engage.

President Root. In these troublous times of anxiety and solicitude there is one man to whose restraint and wisdom and moral quality above all others, next to the President, this great people turn, to whom this people is looking now with hope and with prayer that his hands may be held up, that he may be strong and successful in his efforts for us, for all of us. Long knowledge of him as a leader of the bar, as a jurist, as the Chief Executive, of the greatest American State, as a great and noble leader of public opinion, has given to me not only sincere friendship for him, but a calm and cheerful confidence in what he will be able to achieve.

It is with the greatest of pleasure I present to you The Honorable The Secretary of State, Mr. Charles Evans Hughes.

The Honorable CHARLES EVANS HUGHES. Mr. President and Members of the Society of International Law, ladies and gentlemen: As Mr. Choate said on a historic occasion, I rise with my side bleeding from the spur of the moment.

The President has seen fit to speak with commiseration of those already sadly fatigued who listen to after-dinner speakers who attempt to make the greatest efforts of their lives. I bespeak pity for the tired speaker who addresses the public with an inordinate appetite for speeches.

I have no allusions about my particular work. What I had on the 4th of March I have since lost. I am reminded of what one of the most eminent members of the Supreme Court once said to me as he surveyed an enormous pile of records which had been brought by his messenger to his desk. Said he: "I could do this job a great deal better if they would only give me a little time to think."

I speak with trepidation before this brilliant company, this saving remnant, representing what I am constrained to believe is what remains of international law.

The words of your President so generously spoken have touched me very deeply. Where we are toiling, he has toiled. Where we are striving, he has achieved. Where we are putting forth our greatest endeavors, he has attained the highest distinction and success. He has pointed the pathway to the stars, and while we follow haltingly with unequal step I confess to you that it is his example in which I find and always will find courage and inspiration.

You doubtless all have in mind, or in the language of one of my judicial friends, you are certainly "charged with notice" of what Mr. Hall said about thirty years ago in a preface to an edition of his great work on Inter-

national Law,—that very remarkable prophecy with respect to the next great war, the unscrupulous manner in which it would probably be waged, the fact that national existences would be at stake, that whole nations would be in the field, that the commerce of the world might be on the sea to destroy or to save, that it would be a hard test, and probably that test would not be met to the satisfaction of those who maintain the standards of the law. I think he added that while the next war would probably be a great war and would be waged without scruple because of the great strain in striving for success, after that great war there would be a return to the law and an increased stringency of the law.

I feel that the spiritual gains of the war have been very few and disappointing. I doubt very much whether we are returning, at least, with any discernible speed, to the standards of the law. I think it peculiarly a time when we must put little faith in forms of expressions and take counsel of our conscience. It is easy to develop institutions which are in truth but forms of expression, but it is in the ideal of justice, safeguarded by the self-restraint of individual or nation that the hope of the world alone lies. It is only as we consider men and nations and events and are able to detect the restraints of conscience that we are able to find any sort of assurance for a return of law.

We may have abundance of that which is law according to the Austinian standards of edicts backed by force of commands sanctioned by the power of conquerors. We may hear much in this generation of the demand for the observance of law that rests upon power and only upon power as its sanction, but when shall we see ushered in the reign of law that reflects the standards of the enlightened conscience of the world, content to demand only what is justly due, ready to contribute all that ought to be given, and seeking constantly for right and justice in that arbiter of nations, as well as of the deeds of men, the human heart?

My great difficulty in speaking to you tonight is that my head is full of what I ought not to say. At the same time I may say that it is a great satisfaction to me as I approach the tasks of the Department of State, to realize how in meeting the serious problems that we must now confront from day to day the interest of the people of the United States seems so clearly to coincide with the interests of humanity.

We have had, even in the past few weeks, opportunity in a very practical way to indicate the support that this Government is ready to give to a judicial determination, or an arbitral award fairly, honestly, conscientiously arrived at in dealing with the difficulties of our sister republic. We have constantly occasion to remark that what the United States desires under the urge of the economic pressure, to which Dr. Butler has referred, is simply the equal chance and the fair opportunity from which none should be excluded. We do not ask for ourselves that which we are unwilling to accord to others. And at this time, when as a result of the war so many

new regions are coming under a control with novel incidents, it is not simply in the interest of the United States that we speak, but in the true interest of every nation, when we urge that these great powers that are confided to those enjoying mandates shall be exercised for the common benefit of all or in such way as not to exclude by any monopolistic control the fair opportunities of honest endeavor. It is a proud thing, a thing of which we may be very justly proud, that one can say that you cannot look to any part of the earth and find the United States seeking something for its own aggrandizement at the expense of any other nation.

So it is an especial satisfaction in the daily endeavor that we are able to believe that these endeavors advance us somewhat toward the common goal, and when we are speaking of our own interests as we do speak of them, as we must speak of them, as we propose unflinchingly to advocate them, they are interests that are rooted in the demand for justice and fair play at a time when force and hatred and ill-will and suspicion are rife in the world.

Mr. President, I said a moment ago that this was a saving remnant. That was not a jest. It is with those who keep the torch of reason lighted that the security of the country lies. I count it a great privilege to be a member of this Society, and I welcome, in these difficult conditions when advice and counsel and careful thought are so urgently needed, your cooperation, so that as I am permitted to speak as counsel for the United States in these difficult undertakings, I may be assured that we shall work together for the lasting prosperity of our country and also to advance the cause of justice among the peoples of the earth.

President Root. Ladies and Gentlemen, it is with great regret that the managers of the banquet have been informed that illness, which I hope will not prove to be too serious; prevents the attendance of His Serene Highness, the Prince of Monaco, at the banquet as he had intended. I am sure I speak the sincere feeling of all the members of this assemblage in hoping him speedy and complete recovery from his present indisposition, for we join heartily in the universal respect and admiration for him as a man and as a great scientist, and in the universal expression of good will on the part of the American people toward him.

The hour of half-past ten having arrived, I now declare this assemblage adjourned.